

WASTE MANAGEMENT COUNCIL

Minutes of January 18, 2007

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113 and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Ronald Allard; Charles Connell; Steven Crean; Arthur Cunningham; Elaine Lauterborn; and Duncan Watson. A quorum was present.

NHDES: Peter L. Beblowski, C.P.G., Hazardous Waste Remediation Bureau
Karlee Kenison, P.G., Hazardous Waste Remediation Bureau
Frederick J. McGarry, P.E., DEE, Assistant Director,
Waste Management Division
John M. Regan, P.G., Hazardous Waste Remediation Bureau

GUESTS: Anthony Blenkinsop, Esq., Attorney General's Office

(1) Introduction

- (A) Chairman Richards brought the meeting to order at 10:05 a.m. verifying that a quorum was present.

(2) Pending Business

- (A) Acceptance of Minutes for Meeting September 21, 2006: A motion was made to accept the Minutes of the September 21, 2006 meeting. Motion made by Mr. Allard, seconded by Ms. Lauterborn. All in favor.
- (B) Schedule of Next Meeting: The next meeting is scheduled for February 15, 2007 and will be held at the NHDES offices.

(3) Notification of Property Owners within a Groundwater Management Zone: Frederick J. McGarry, P.E., DEE, Assistant Director

On October 16, 2006, Mr. Giunta issued a memorandum to the Council with four options to assure proper notification of property owners. In analyzing the option, Mr. Giunta recommended that the Council make a minor modification to their rules. As quoted in Mr. Giunta's October 16, 2006 memorandum:

*A simple change in the Council's rules could address this issue by changing Env-WMC 204.01 to read "An appeal shall be filed within 30 days of the date of the decision being appealed was issued **or the date when a required notification was received by the appellant, which is later, . . .**" In cases where a notice is required, this change would start the 30-day period upon receipt of the notice, as evidenced by the certified mail receipt. So regardless of when a notice is sent, the appellant would have all of their rights of appeal protected.*

On November 27, 2006, the Council issued a letter to Ms. Mongeon after reviewing the proposed Env-Or 600 rules and is in general agreement, however, the Council recommended that Env-Or 607.03, Groundwater Management Permit Application, be revised to include the following additional requirements for an application:

- (20) A copy of the notification letters sent to all owners of lots of record within the proposed GMZ advising them of the intent to include their property in the GMZ; and
- (21) A copy of certified mail return receipts from property owners of lots of record within the proposed GMZ showing that they received notification that their property is within the proposed GMZ.

The Council believes these changes will address the lack of notification provided to property owners within the GMZ and ensure the affected public is aware of issues that might affect their property.

Mr. Allard expressed his concerns regarding the thirty-day appeal deadline being extended indefinitely as suggested in Mr. Giunta's memorandum dated October 16, 2006. Also, he shared his concerns regarding intervenors and their status when involved in the appeal process.

Mr. Blekinsop and Mr. McGarry gave a synopsis with regards to DES's position and answered several questions from the Council.

(4) Appeals/Updates: Jennifer Patterson, Esq., Attorney General's Office

Docket Number: 06-07 WMC

Appellant:	General Auto Sales
Subject of Appeal:	February 20, 2006 Groundwater Management Permit Permit No. GWP-198706002-C-002

Ms. Patterson updated the Council on the status of this appeal. She mentioned that both parties in this matter have reached an accord and will possibly withdraw the appeal. A motion was made that if the parties have not reached an accord by February 10, 2007, they are to appear on February 15, 2007 for an appeal hearing. Motion made by Ms. Lauterborn, seconded by Mr. Allard. All in favor.

(5) New/Old Business

Future Guest Speakers: Chairman Richards suggested that the Council request Mr. Varney to attend a Council meeting this year as a guest speaker.

(6) Adjournment

At 11:40 a.m., Mr. Allard moved to adjourn the meeting. Mr. Crean seconded. The Council unanimously agreed to adjourn.

*Respectfully submitted by Almorinda M. Samson, Waste Management Council Clerk.
A copy of the audio taped recording of this meeting is available upon request. Please contact Ms. Samson at (603) 271-2905 for more information.*